

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6790

BILL NUMBER: HB 1153

DATE PREPARED: Mar 2, 1999

BILL AMENDED: Mar 1, 1999

SUBJECT: Alcohol and drug abuse counselors.

FISCAL ANALYST: Bernadette Bartlett

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill creates the Alcohol and Drug Abuse Counselor Section of the Social Worker, Marriage and Family Therapist, Mental Health Counselor, and Alcohol and Drug Abuse Counselor Board. The bill sets qualifications for a licensed clinical alcohol and drug abuse counselor.

Prohibitions on the unlicensed practice of alcohol and drug abuse counseling do not apply to physicians; nurses; psychologists; clergy members; volunteers for or employees of nonprofit organizations under certain circumstances; marriage and family therapists; social workers; mental health counselors; licensed alcohol and drug abuse counselors practicing under direct supervision; government employees; and students, interns, and trainees.

This bill prohibits the use of certain titles and makes the unlicensed practice of alcohol and drug abuse counseling a Class A misdemeanor. Alcohol and drug abuse counselors are prohibited from practicing hypnosis and from counseling for the purpose of recovering a memory of child abuse. Conforming amendments are made.

Effective Date: (Amended) July 1, 1999; January 1, 2001.

Explanation of State Expenditures: (Revised) This bill creates an Alcohol and Drug Abuse Counselor Section of the Social Worker, Marriage and Family Therapist, Mental Health Counselor, and Alcohol and Drug Abuse Counselor Board. The Health Professions Bureau, which provides staff for the Board, will incur additional expenses as a result of the passage of this bill. Based on the experience of the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Section of the Board, the proposed Alcohol and Drug Abuse Counselor Section would need to meet monthly for the first year. Section members are eligible to receive travel and per diem reimbursement for certain expenses incurred. In addition, the Bureau will also incur additional expenses associated with postage, printing, telephone operations, and supplies for the new section. Estimates of these expenses are outlined below:

Estimated Administrative Expenses for the Proposed Alcohol and Drug Counselor Section of the Social Worker, Marriage and Family Therapist, Mental Health Counselor, and Alcohol and Drug Abuse Counselor Board	
Per Diem for Board Members	\$3,000
Travel	9,500
Postage	19,750
Printing	9,750
Telephone	1,500
Supplies	1,500
Total	\$45,000

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. As of 1-31-99, the State Personnel Manning table reported that the Bureau had four vacancies; however, the Bureau intends to fill these positions. With respect to reversions, the Bureau reverted \$223,413 in fiscal year 1997-98 and \$214,707 in fiscal year 1996-97. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions. The bill contains no appropriations.

Explanation of State Revenues: There are an estimated 1,200 to 1,500 individuals who may be interested in applying for certification or licensure as a drug and alcohol abuse counselor. If these individuals were assessed a \$30 application, issuance, or renewal fee, an estimated \$36,000 to \$45,000 would be generated every two years if licenses and certificates expired every two years. License and certification fees are deposited in the State General Fund.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the State General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, the county general fund would receive 27% of the \$120 court fee assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would

be deposited in the county general fund and 25% would be deposited in the city or town general fund. A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Family and Social Services Administration, Department of Corrections, State Department of Health, and Health Professions Bureau.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Barbara Buck, Director, Indiana Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board, Health Professions Bureau (317) 233-4422.